

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	. CONFIRMATION NO.
10/064,929		08/29/2002	Thomas V. Connelly JR.	717281.3	2353
27128	7590	03/22/2004		EXAMINER	
BLACKWI	ELL SAN	NDERS PEPER	LAWRENC	E JR, FRANK M	

BLACKWELL SANDERS PEPER MARTIN LLP 720 OLIVE STREET SUITE 2400 ST. LOUIS, MO 63101

ART UNIT PAPER NUMBER

1724

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/064,929			A		\(\frac{1}{2} = \frac{1}{2} =	_					
Examiner - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENDED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no eveal, however, may a reply be timely filled - If the priod for reply secolified above, the montrum statutory priority within the statutory minimum of thinty (30) shays any libe consistent of the provisions of 37 CFR 1.736(b). - If the priod for reply secolified above, the montrum statutory priority within the statutory minimum of thinty (30) shays any libe consistent of the statutory of the priority and will exply and will explicate the statutory from the mailing date of this communication. - Failure to import which is set or excelled above, the montrum statutory priority will be set or excelled priority for reply second patient for mailing date of this communication, even if inner mailing date of this communication is an explication in single and the time mailing date of this communication and even the mailing date of this communication is provided by the Explication of Claims 4) □ Responsive to communication (s) filled on			Application	No.	Applicant(s)						
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Experiation for time my be a relation under the provisions of JOPR 1.138(a). In no event, however, may a righty be timely filled If the period for reply septicified shore is less than thirty (30) days, a righty within the statutory reinfield within 100 days with be commissed from the provision of the right specified above the maximum statutory period vall again 25 to () MONTHS from the mailing date of this communication. Fraint in righty within the soft or stooded prints of stringly with by definition, counce this given and vall agains 25 to () MONTHS from the mailing date of this communication. Fraint in right within the statutory period vall again 25 to () MONTHS from the mailing date of this communication. Fraint in right within the statutory period vall again 25 to () MONTHS from the mailing date of this communication. Fraint in right with the statutory period vall again 25 to () MONTHS from the mailing date of this communication. Fraint in right with the statutory period vall again 25 to () MONTHS from the mailing date of this communication. Fraint in right with the communication. Provided the statutory of the statutory of the statutory of the communication. Fraint in right with the communication. Again the statutory of the statutory of the statutory of the communication. Fraint in right with the communication. Fraint MILLING DATE 25 to () Statutory of the mailing date of this communication. Fraint MILLING DATE 25 to () Statutory of the mailing date of the communication. Fraint MILLING DATE 25 to () Statutory of the mailing date of the communication. Fraint MILLING DATE 25 to () Statutory of the		10/064,929		CONNELLY, JR.							
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time myle to available under the previous of 3 CPR 1.136(a). In no aveil, however, may a reply be timely filed and is SIX (5) MOXPH's from the maining date of this communication. Extensions of time myle to available under the previous of 3 CPR 1.136(a). In no aveil, however, may a reply be timely filed and is SIX (5) MOXPH's from the maining date of this communication. **Extensions of the grid in specified from the maining date of this communication of the communication		Examiner		Art Unit							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. E stancions of limit may be available ended the provisions of 37 CPR 1.108(a), in no ovend, however, may a reply be timely filed E stancions of limit may be available ended the provisions of 37 CPR 1.108(a), in no ovend, however, may a reply be timely filed E stancions of limit may be available ended the provisions of 37 CPR 1.108(a). If NO period for righy is specified above, the maximum stantifum prient will apply and will engine \$1X(0) MONTHS from the malified part of right will be considered plant for foreign will, by shaller, came the application be became APARPOSCHO, \$10, \$1, \$13, \$13, \$13, \$13, \$13, \$13, \$13,					1 1 - 1 - 1	_					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILLING DATE OF THIS COMMUNICATION. Estatistics of time may be ambilished under the provisions of 3 CPR 1.30(4), in no event, however, may a reply be finnely filed Estatistics of the reply separation of the provision of 3 CPR 1.30(4), in no event, however, may a reply be finnely filed 1 if the period for reply separation down, the maximum attention preriod vall pay and will septic xts (5) MONTHS from the malting date of this communication. Fallure to reply which in the sol or extended period for reply will, by attailute, usuals the application to become APAHOCHCI 03 U.S. 6 133). For this period for reply separation of the sol or extended period for reply will. By attailute, usuals the application to become APAHOCHCI 03 U.S. 6 133). For this application is of condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.46 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1.5.11.5.19.20.22.24.55.28.29 and 33-46 is/are rejected. 7) Claim(s) 1.5.11.5.19.20.22.24.55.28.29 and 33-36 is/are rejected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a). Replacement is made of a claim for foreign priority under 35 U.S.C. § 119(a			appears on the c	over s	sheet with the correspondence address						
1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parle Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-46 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-8 is/are allowed. 6) Claim(s) 1-8 is/1.15 is/2.0.22,24.25 is/2.9 and 33-46 is/are rejected. 7) Claim(s) 9.10.12-14.16-18.21.23.26.27 and 30-32 is/are objected to. 8) Claim(s) 9.10.12-14.16-18.21.23.26.27 and 30-32 is/are objected to. 8) Claim(s) 1-8 is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTC-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	A SH THE - Exte after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REF MAILING DATE OF THIS COMMUNICATION nsions of tirne may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication. a period for reply specified above is less than thirty (30) days, a round for reply is specified above, the maximum statutory perior to reply within the set or extended period for reply will, by state reply received by the Office later than three months after the ma	N. 1.136(a). In no event reply within the statuto lod will apply and will e tute, cause the applica	, howevery minimexpire SIX	ver, may a reply be timely filed mum of thirty (30) days will be considered timely. IIX (6) MONTHS from the mailing date of this communication. become ABANDONED (35 U.S.C. § 133).						
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	Status										
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	1)	Responsive to communication(s) filed on	·								
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)	2a) <u></u>	<u> </u>		n-final.	ıl.						
4)	3)										
4)	Disposit	ion of Claims									
9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	4)⊠ 5)□ 6)⊠ 7)⊠	Claim(s) <u>1-46</u> is/are pending in the application 4a) Of the above claim(s) is/are with definition claim(s) is/are allowed. Claim(s) <u>1-8,11,15,19,20,22,24,25,28,29 and Claim(s) 9,10,12-14,16-18,21,23,26,27 and Claim(s) 9,10,12-14,16-18,21,23,26,27 and Claim(s) is/are pending in the application application is sometimes of the application of the application and the application are supplied to the application of the application and the application are supplied to the application are supplied to the application and the application are supplied to the application and the application are supplied to the application and the application are supplied to the application are supplied to the application and the application are supplied to the application and the application are supplied to the application and the application are supplied to the application are s</u>	drawn from cons a <u>d 33-46</u> is/are r 30-32 is/are ob	ejecte jected	ed. d to.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Applicat	ion Papers									
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	9)🖂	The specification is objected to by the Exami	iner.								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	10)										
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)		, , , , , , , , , , , , , , , , , , , ,									
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	11)		•								
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Attachment(s) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date	Priority	under 35 U.S.C. § 119									
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date.	 a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). 										
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date.											
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date.				1) I i	Interview Summary (PTO-413)						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Information Patent Application (PTO-152) 6) Other:	2) Notice 3) Information	ce of Draftsperson's Patent Drawing Review (PTO-948) rmation Disclosure Statement(s) (PTO-1449 or PTO/SB/er No(s)/Mail Date	/08) ⁽	P (5) N	Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	_					

Application/Control Number: 10/064,929 Page 2

Art Unit: 1724

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The limitations of claims 11, 29 and 43 that the halogen source comprises from about 5% to about 50%, by weight, of the tablet, does not have basis in the specification. Paragraph 0040 of the specification recites that the amount of pH compensating source may vary from as little as 5% by weight to about 50% by weight of the halogen source.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 19, 28 and 33-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Application/Control Number: 10/064,929 Page 3

Art Unit: 1724

5. Claim 19 recites the limitation "the alkali metal sulfate" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 19 should be amended to depend from claim 16 to overcome this rejection.

- 6. Claim 28 recites the limitation "the alkali metal bisulfate" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 28 should be amended to depend from claim 27 to overcome this rejection.
- 7. Claim 33 recites the limitation "the method" in line 1. There is insufficient antecedent basis for this limitation in the claim. The claim should be amended to recite "A method."
- 8. Claims 34-46 each recite the limitation "the tablet" in line 1. This limitation is unclear because it appears that each claim depends from and further limits the method claim 33. If this is not the case, the claims would be redundant of claims 2-14 by not further limiting the composition claim 1. The limitation should be amended to read "the method."

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 10. Claims 1, 2, 4, 6, 7, 11, 15, 20, 22, 24, 25, 29, 33, 34, 36, 38, 39 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Chun et al. (5,133,892).
- 11. Chun et al. '892 teach a machine dishwashing detergent tablet that can include a first layer containing one gram (about 4% of the total tablet) of sodium dichloroisocyanurate (acid in aqueous solution), about one gram of an intermediate polymer boundry layer having no treatment

Application/Control Number: 10/064,929

Art Unit: 1724

properties, and a third layer containing 23 grams of a mixture comprising 14% sodium carbonate (col. 22, lines 1-46).

- 12. Claims 1-6, 8, 11, 33-38, 40 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson et al. (5,407,598).
- Olson et al. '598 teach an encapsulated source of active bleach in tablet form that can be used in bleaching processes such as laundry and dishwashing, comprising a core of a halogen source such as potassium dichloroisocyanurate, calcium hypochlorite, or lithium hypochlorite, surrounded by an encapsulate layer that can include sodium bicarbonate and other soluble inorganic or organic agents (col. 3, line 50 to col. 5, line 53). The halogen source can comprise 20-90 wt. % of the tablet (col. 6, lines 4-6).
- 14. Claims 1, 4, 11, 33, 36 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kibbel, Jr. et al. (3,873,685).
- 15. Kibbel, Jr. et al. '685 teach a chlorine-releasing tablet for treating swimming pool water, comprising a first layer of sodium dichloroisocyanurate dihydrate and a second layer of trichloroisocyanuric acid, which has an effect of lowering the ph (see table 2, page 9 of the instant specification). The layers can be present in a 1:1 ratio (col. 3, lines 3-30, col. 5, table 1).

Allowable Subject Matter

16. Claims 9, 10, 12-14, 16-18, 21, 23, 26, 27 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Application/Control Number: 10/064,929 Page 5

Art Unit: 1724

17. Claims 19, 28, 41, 42 and 44-46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose layered tablets and water treatment compositions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank M. Lawrence Primary Examiner

Art Unit 1724

July Paurene 3-16-04

fl